



Reprinted
April 10, 2003

ENGROSSED HOUSE BILL No. 1430

DIGEST OF HB 1430 (Updated April 9, 2003 5:39 PM - DI 102)

Citations Affected: IC 1-1; IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-12; IC 3-13; IC 3-14; IC 6-1.1; noncode.

Synopsis: Various election law matters. Makes changes to election law relating to the following: (1) Voting systems. (2) The election division budget. (3) Training election workers. (4) Challengers. (5) Form of ballots. (6) Precinct committeemen and state convention delegates. (7) Voter registration. (8) Party affiliation and certification of candidates. (9) Certification of election results. (10) Recounts and challenges. (11) Campaign finance reports. (12) Disabled voters. (13) Sample ballots. (14) Electioneering. (15) Misrepresentation of the status of a candidate. (16) School board tax referenda. (17) Administrative complaints under Title III of the Help America Vote Act of 2002. (18) Reimbursements and distributions for new or upgraded voting systems. (19) Illegal voter affidavits. Repeals superseded statutes relating to challengers and training election workers. (The introduced version of this bill was prepared by the census data advisory committee.)

Effective: Upon passage; July 1, 2003.

**Mahern, Cheney, Richardson,
Behning**

(SENATE SPONSORS — LAWSON C, SIPES)

January 14, 2003, read first time and referred to Committee on Elections and Apportionment.

February 24, 2003, amended, reported — Do Pass.

February 27, 2003, read second time, ordered engrossed. Engrossed.

March 3, 2003, read third time, passed. Yeas 93, nays 1.

SENATE ACTION

March 4, 2003, read first time and referred to Committee on Elections and Civic Affairs.

April 1, 2003, amended, reported favorably — Do Pass.

April 9, 2003, read second time, amended, ordered engrossed.

EH 1430—LS 6047/DI 75+



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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1430

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 1-1-3.5-3, AS AMENDED BY P.L.170-2002,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 3. (a) For purposes of the statutes described in
4 section 5(c) of this chapter, a reference to population is a reference to
5 population as determined by the most recent of the following:
6 (1) Federal decennial census.
7 (2) Federal special census.
8 (3) Special tabulation.
9 (4) Corrected population count.
10 (b) **For purposes of statutes relating to drawing boundaries of**
11 **county executive districts, county fiscal body districts, municipal**
12 **legislative body districts, or the districts of any other political**
13 **subdivision, a reference to population is a reference to population**
14 **as determined by the most recent of the following:**
15 (1) Federal decennial census.
16 (2) Federal special census.
17 (3) Special tabulation.

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(4) Corrected population count.

(c) For purposes of a noncode statute, a reference to population is the population determined by the most recent federal decennial census in effect before the passage of the statute, unless the population description in the statute is changed by subsequent legislation.

~~(c)~~ (d) For purposes of statutes not described in subsection (a), ~~or~~ (b), ~~or~~ (c), a reference to population is the population determined by the most recent federal decennial census in effect, unless the statute specifically provides otherwise.

~~(d)~~ (e) This subsection applies to a political subdivision located in more than one (1) county. If a political subdivision is described in a statute by reference to the county in which the political subdivision is located, the reference is to the county that contains a majority of the population of the political subdivision.

~~(e)~~ (f) The effective date of each:

- (1) federal decennial census;
- (2) federal special census;
- (3) special tabulation; or
- (4) corrected population count;

is April 1 of the calendar year following the year in which the tabulation of population or corrected population count is delivered to the state by the United States Secretary of Commerce under 13 U.S.C. 141 and received by the governor.

~~(f)~~ (g) Promptly upon receiving the tabulation of population or corrected population count, the governor shall issue an executive order:

- (1) evidencing the date of receipt; and
- (2) noting that the effective date of the tabulation of population or corrected population count for purposes of any statute described in this section is April 1 of the following year.

SECTION 2. IC 3-5-2-48.5, AS AMENDED BY P.L.126-2002, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 48.5. "Testing authority" means an independent test authority as described in:

- (1) ~~Appendix E of the Performance and Test Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems System Standards~~ issued by the Federal Election Commission ~~in January 1990; on April 30, 2002;~~ or
- (2) other more recent voting systems standards adopted by the commission under IC 3-11-15-13.

SECTION 3. IC 3-6-4.2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. ~~The commission shall provide~~ Equal funding **shall be provided** to each co-director with



which to employ employees under section 6 of this chapter.

SECTION 4. IC 3-6-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]

Chapter 4.5. Administrative Complaints Concerning Requirements Under Title III of the Help America Vote Act of 2002

Sec. 1. This chapter is effective January 1, 2004.

Sec. 2. As used in this chapter, "Title III" refers to Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 through 15485).

Sec. 3. As required by 42 U.S.C. 15512, this chapter establishes the state based administrative complaint procedures to remedy grievances concerning uniform and nondiscriminatory election technology and administrative requirements under Title III.

Sec. 4. The commission shall make the final determination and issue a report regarding the complaint not later than ninety (90) days after the complaint is filed.

Sec. 5. If the commission fails to make the final determination regarding the complaint before the deadline specified by section 4 of this chapter, the complaint described in section 3 of this chapter shall be resolved by the secretary of state.

Sec. 6. As provided by 42 U.S.C. 15512, the record and other materials from any proceedings conducted by the commission shall be made available for use by the secretary of state.

Sec. 7. The secretary of state may file a civil action seeking declaratory or injunctive relief as part of the resolution of the complaint under this chapter. The action may be filed before or after the filing of the report required by section 8 of this chapter.

Sec. 8. The secretary of state shall file a report with the election division setting forth the resolution of the complaint. The report must specify the following:

(1) Whether a violation of Title III has occurred or was about to occur when the complaint was filed.

(2) The appropriate remedy to correct any violation.

(3) Whether providing the remedy would require additional or amended Indiana legislation or a civil action for declaratory or injunctive relief.

(4) Any other information or recommendations necessary to fully provide any appropriate relief under this chapter.

SECTION 5. IC 3-6-6-40 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2003]: Sec. 40. (a) This section applies after December 31, 2003.

(b) The county election board shall conduct a training and educational meeting relating to the voting systems used in the county. The meeting must be held not later than the day before election day.

(c) The board shall require inspectors and judges to attend the meeting and may require other precinct election officers to attend the meeting.

SECTION 6. IC 3-6-7-5, AS ADDED BY P.L.38-1999, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) A pollbook holder **or a challenger** appointed under this chapter is entitled to do the following:

(1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until the polls close.

(2) Enter, leave, and reenter the polls at any time on election day.

(b) A pollbook holder **or a challenger** is subject to the orders of the board while in the polls.

(c) If demanded by a member of the precinct election board, a pollbook holder **or a challenger** shall produce the identification card issued under section 1(d) of this chapter.

SECTION 7. IC 3-7-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) This section applies to a person who:

(1) on the day of the next general, municipal, or special election, will meet the age and residency requirements of section 1 of this chapter; and

(2) does not meet the age or residency requirements on primary election day.

(b) A person described in subsection (a) may not cast a ballot:

(1) for candidates for:

(A) elected offices;

(B) precinct committeeman; or

(C) state convention delegate; or

(2) on public questions;

to be voted on at the same time that the primary election is conducted.

SECTION 8. IC 3-7-26-2, AS AMENDED BY P.L.199-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The election division shall develop and maintain a statewide voter registration file.

(b) Subject to section 20 of this chapter, not later than July 1, 2004, the election division shall maintain the statewide voter registration file

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so that the file is accessible by the election division and county voter registration offices through a secure connection over the Internet.

(c) The statewide voter registration file must contain at least the following information for each voter:

(1) The voter's voting history for at least the previous ten (10) years, if available, including the political party ballot requested by the voter at any primary election during the period.

(2) The source of the voter's registration application.

(3) A listing of all previous jurisdictions in which the voter was registered to vote.

(4) Information concerning the documentation submitted by the voter to comply with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545).

(5) An electronic mail address if supplied by the voter.

(6) Documentation of all changes to the registration made by the voter.

(7) Documentation concerning all notices sent to the voter by the county voter registration office.

(d) The statewide voter registration file must include at least the following:

(1) Absentee ballot management features that:

(A) manage absentee ballots based on the type, eligibility, and status of the absentee voter;

(B) permit the printing of absentee labels by group, date, or by individual for use by a voter voting in person at the county election board office;

(C) permit the documentation of the date that each absentee ballot is issued and returned;

(D) permit the printing of absentee ballot applications with voter registration information for the absentee ballot applicant;

(E) use bar code technology; and

(F) interface with a ballot on demand system.

(2) Full document imaging features, including:

(A) electronic file folders that store multiple documents for each voter;

(B) a single scan that captures both a document and signature;

(C) back up of critical documents on optical media for archival purposes;

(D) the annotation of document images;

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- 1 (E) backfile image conversion; and
 2 (F) storage of multi-media files, such as photographs and
 3 audio messages.
 4 (3) Election and poll worker management features that:
 5 (A) include petition verification, audit, and management
 6 functions, such as:
 7 (i) calculations of the minimum number of valid
 8 signatures by registered voters for a petition of
 9 nomination in an election district;
 10 (ii) reports listing the valid and invalid signatures on
 11 each petition of nomination; and
 12 (iii) reports listing daily counts of valid and invalid
 13 signatures on petitions of nomination;
 14 (B) track contact information for individuals who have
 15 submitted petitions for processing by the county voter
 16 registration office;
 17 (C) verify petition signatures against voter registration
 18 signatures by displaying digitized signatures for
 19 comparison;
 20 (D) track service and performance records for past,
 21 current, and potential poll workers and contain contact
 22 information for those poll workers;
 23 (E) report poll worker vacancies to permit vacancies to be
 24 filled before election day;
 25 (F) include print-on-demand services;
 26 (G) track poll worker pay, including mileage, and whether
 27 poll workers served for only part of an election day; and
 28 (H) permit a circuit court clerk to transmit reports or
 29 statements to the election division under IC 3-6-5, IC 3-7,
 30 or IC 3-12-5.
 31 (4) Security features, including:
 32 (A) daily backup following business hours; and
 33 (B) off-site data housing and disaster contingency plans.
 34 (5) Signature digitizing features that:
 35 (A) permit signatures to be cropped and stored from voter
 36 registration and other forms;
 37 (B) permit signatures to be viewed within absentee,
 38 petition, or voter registration modules within the system;
 39 and
 40 (C) generate audit trail reports concerning transfer logs,
 41 work file reports, missing voter signatures, and signatures
 42 without voters.

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- (6) Street file management features that:
- (A) include an integral street file with automatic assignment to election districts and jurisdictions based on residence address location;
 - (B) permit changing street names throughout a county or for specific areas within a county;
 - (C) include tools to identify and correct errors in the geographic assignment of jurisdictions;
 - (D) permit interfacing with geographic information systems;
 - (E) permit comprehensive changes to reflect changes in legislative district or precinct boundary lines;
 - (F) permit the accommodation of multiple place names within a ZIP code; and
 - (G) permit the tracking and management of data concerning polling place locations.
- (7) Voter registration management features that:
- (A) automatically assign voter identification numbers in accordance with this title;
 - (B) calculate the number of registered voters by precinct or any election district;
 - (C) permit expedited web based inquiries concerning polling place locations;
 - (D) track and report all NVRA and voter list maintenance transactions performed within the system;
 - (E) permit tracking regarding the political party ballot requested by voters voting in a primary;
 - (F) generate a variety of reports in paper, compact disc, or floppy disc format, such as walking lists, call lists, lists of voters by precinct, lists of voters by name, date of birth or date of registration, and lists of voters by other household data;
 - (G) identify voters who are currently less than eighteen (18) years of age;
 - (H) permit electronic processing of voter registration information received as files from other state and federal agencies;
 - (I) provide flexible query functions for management and statistical reports;
 - (J) support sophisticated mailing equipment for reduced postage costs; and
 - (K) contain full audit controls and management reports to

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1 track and manage the work of county voter registration
2 office employees.

3 (8) A help desk support feature, staffed by individuals who
4 can provide assistance to county voter registration offices
5 regarding the proper operation of the system.

6 (9) Other features as determined by the election division.

7 (e) This subsection applies to a county with a county voter
8 registration office described in IC 3-5-2-16.2(1) or IC 3-5-2-16.2(2).
9 The statewide voter registration file must permit a county election
10 board to view data concerning voters of the county to:

11 (1) administer absentee balloting; or

12 (2) determine whether an individual who wishes to file as a
13 candidate is a voter of the county.

14 SECTION 9. IC 3-7-27-8 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2003]: Sec. 8. In a county that has a board of
16 registration, the board shall have prepared in triplicate a memorandum
17 for each voter's original affidavit of registration or transfer of an
18 original registration executed by the board.

19 SECTION 10. IC 3-7-28-5 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. Upon written
21 request and as soon as the list required by section 4 of this chapter is
22 prepared, a copy of the list shall be furnished to the following:

23 (1) The county chairman of any political party that has at least one

24 (1) candidate on the ballot in the next election.

25 (2) The committee of a candidate whose name will appear on the
26 ballot in the next election.

27 (3) The county chairman of any other bona fide political party.

28 SECTION 11. IC 3-7-38.1-4, AS AMENDED BY P.L.38-1999,
29 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2003]: Sec. 4. (a) A contract entered into under section 3 of
31 this chapter must require the following:

32 (1) The contractor shall determine the following information
33 regarding each voter with duplicate registrations:

34 (A) The voter's name.

35 (B) Each address at which the voter is registered.

36 (C) Other information the commission determines is necessary
37 to implement this chapter.

38 The contractor shall obtain the information required by this
39 subdivision from the information submitted to the election
40 division under IC 3-7-26-4.

41 (2) The contractor shall compile the information determined
42 under subdivision (1) and provide the following with the

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information compiled under subdivision (1) in the form required by the commission:

(A) The election division.

(B) Each county in which a voter with a duplicate registration is registered to vote.

(3) The contractor shall print, prepare for mailing, and mail a postcard addressed to each voter with duplicate registrations at each address found for that voter. Each postcard must contain the following:

(A) The election division's mailing address as a return address.

(B) A return postcard that contains all of the following:

(i) A mailing address to the election division.

(ii) A listing of all the addresses at which the voter is believed to be registered.

(iii) Instructions to the voter to indicate whether addresses listed on the postcard are previous addresses of the voter.

(iv) A place for the voter to state the voter's current address.

(v) A statement of the voter authorizing cancellation of the voter's registration at other addresses in Indiana.

(vi) A statement informing the voter that the voter must return the postcard to the election division not later than a date specified by the election division.

(vii) A place for the voter's signature or mark.

(C) A statement of the consequences to the voter of the voter's failure to return the return postcard to the election division not later than a date specified by the election division.

(4) Before a date specified by the election division for each year, the contractor shall provide to the election division the following lists:

(A) A list of all voters with duplicate registrations who have returned postcards to the election division before a date specified by the election division. The list must indicate for each voter the following information:

(i) The voter's current address, including the county, as provided by the voter.

(ii) Each former address, including the county of each former address, at which the voter is registered.

(B) A list of all voters with duplicate registrations who have not returned postcards to the election division before a date specified by the election division. The list must indicate each county in which each voter is registered to vote.

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(5) Not later than a date specified by the election division, the contractor shall mail to each county the following lists:

- (A) A list of all voters with duplicate registrations who have:
 - (i) returned postcards to the election division before a date specified by the election division; and
 - (ii) indicated a current residence within the county.
- (B) A list of all voters with duplicate registrations who:
 - (i) have returned postcards to the election division before a date specified by the election division;
 - (ii) are registered to vote in the county; and
 - (iii) have indicated a current residence in another county.
- (C) A list of all voters with duplicate registrations who:
 - (i) have not returned postcards to the election division before a date specified by the election division; and
 - (ii) are registered to vote in the county.

(6) Not later than a date specified by the election division, the contractor shall ~~do the following:~~

- ~~(A) send a postcard to each voter described in subdivision (5)(B) informing the voter how the voter may register to vote in the county of the voter's current residence.~~
- ~~(B) Send a postcard to each voter described in subdivision (5)(C) notifying the voter:~~
 - ~~(i) that if the voter does not notify the county voter registration office of the voter's current residence before a date specified by the election division, the voter's registration will be placed on inactive status; and~~
 - ~~(ii) of the consequences of the voter's registration being placed on inactive status.~~

Postcards and information supplied on postcards sent under this subdivision must comply with 42 U.S.C. 1973gg-6(d).

(7) Not later than a date specified by the election division, the contractor shall assist the election division in updating the statewide voter registration file using information obtained from the county voter registration offices under section 6 of this chapter.

(b) The contract may require the contractor to perform other services the election division requires.

SECTION 12. IC 3-7-46-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) Not later than:

- (1) January 31;
- (2) April 30;
- (3) July 31; and



(4) October 31;
of each year, a county sheriff shall provide the circuit court clerk or board of registration with a list with the information set forth in subsection (b).

(b) The list required by subsection (a) must identify each person who:

- (1) is a resident of Indiana;
- (2) has been convicted of a crime; and
- (3) has been placed in a county correctional facility during the previous **three (3) month period.**

SECTION 13. IC 3-7-48-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. **(a)** The precinct election board shall add the name and address of a voter described by section 7 of this chapter to the poll list of the precinct.

(b) The county voter registration office shall add the name of a voter described by section 7 of this chapter to the registration record of the county.

SECTION 14. IC 3-8-1-2, AS AMENDED BY P.L.176-1999, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The commission, a county election board, or a town election board shall act if a candidate (or a person acting on behalf of a candidate in accordance with state law) has filed any of the following:

- (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.
- (2) A request for ballot placement in a presidential primary under IC 3-8-3.
- (3) A petition of nomination or candidate's consent to nomination under IC 3-8-6.
- (4) A certificate of nomination under IC 3-8-5, IC 3-8-7, IC 3-10-2-15, or IC 3-10-6-12.
- (5) A certificate of candidate selection under IC 3-13-1 or IC 3-13-2.
- (6) A declaration of intent to be a write-in candidate under IC 3-8-2-2.5.

(7) A contest to the denial of certification under IC 3-8-6-12.

(b) The commission has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the election division. Except for a filing under the jurisdiction of a town election board, a county election board has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the county election board, county voter registration office, or the circuit court clerk. A town election board has jurisdiction to act



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under this section with regard to any filing that was made with the county election board, the county voter registration office, or the circuit court clerk for nomination or election to a town office.

(c) **Except as provided in subsection (e)**, before the commission or election board acts under this section, a registered voter of the election district that a candidate seeks to represent must file a sworn statement with the election division or election board:

(1) questioning the eligibility of a candidate to seek the office; and

(2) setting forth the facts known to the voter concerning this question.

(d) The eligibility of a write-in candidate or a candidate nominated by a convention, petition, or primary may not be challenged under this section if the commission or board determines that all of the following occurred:

(1) The eligibility of the candidate was challenged under this section before the candidate was nominated.

(2) The commission or board conducted a hearing on the affidavit before the nomination.

(3) This challenge would be based on substantially the same grounds as the previous challenge to the candidate.

(e) **Before the commission or election board can consider a contest to the denial of a certification under IC 3-8-6-12, a candidate (or a person acting on behalf of a candidate in accordance with state law) must file a sworn statement with the election division or election board:**

(1) **stating specifically the basis for the contest; and**

(2) **setting forth the facts known to the candidate supporting the basis for the contest.**

(f) Upon the filing of a sworn statement under subsection (c) or (e), the commission or election board shall determine the validity of the questioned:

(1) declaration of candidacy;

(2) declaration of intent to be a write-in candidate;

(3) request for ballot placement under IC 3-8-3;

(4) petition of nomination;

(5) certificate of nomination; ~~or~~

(6) certificate of candidate selection issued under IC 3-13-1-15 or IC 3-13-2-8; **or**

(7) **denial of a certification under IC 3-8-6-12.**

(g) The commission or election board shall deny a filing if the commission or election board determines that the candidate has not

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1 complied with the applicable requirements for the candidate set forth
 2 in the Constitution of the United States, the Constitution of the State of
 3 Indiana, or this title.

4 SECTION 15. IC 3-8-1-32 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 32. A candidate for:

6 (1) precinct committeeman; or

7 (2) delegate to a state convention;

8 of ~~each~~ a political party in the state whose nominee received at least
 9 ten percent (10%) of the total vote cast for secretary of state at the last
 10 election must ~~have voted, at the candidate's most recent vote at a~~
 11 ~~primary election, for the candidates of the political party with which the~~
 12 ~~candidate seeks affiliation. However, a candidate is not disqualified for~~
 13 ~~not having previously voted in a primary election. comply with any~~
 14 **candidate requirement set by state party rules.**

15 SECTION 16. IC 3-8-2-2.5, AS AMENDED BY P.L.26-2000,
 16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2003]: Sec. 2.5. (a) A person who desires to be a write-in
 18 candidate for a federal, state, legislative, or local office or school board
 19 office in a general, municipal, or school board election must file a
 20 declaration of intent to be a write-in candidate with the officer with
 21 whom declaration of candidacy must be filed under sections 5 and 6 of
 22 this chapter.

23 (b) The declaration of intent to be a write-in candidate required
 24 under subsection (a) must be signed before a person authorized to
 25 administer oaths and must certify the following information:

26 (1) The candidate's name must be printed or typewritten as:

27 (A) the candidate wants the candidate's name to ~~appear on the~~
 28 ~~ballot; be certified; and~~

29 (B) the candidate's name is permitted to appear ~~on the ballot~~
 30 under IC 3-5-7.

31 (2) A statement that the candidate is a registered voter and the
 32 location of the candidate's precinct and township (or ward and
 33 city or town), county, and state.

34 (3) The candidate's complete residence address, and if the
 35 candidate's mailing address is different from the residence
 36 address, the mailing address.

37 (4) The candidate's party affiliation or a statement that the
 38 candidate is an independent candidate (not affiliated with any
 39 party). **For purposes of this subdivision, a candidate is**
 40 **affiliated with a political party only if the candidate satisfies**
 41 **section 7(a)(4) of this chapter.**

42 (5) A statement of the candidate's intention to be a write-in

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candidate, the name of the office, including the district, and the date and type of election.

(6) If the candidate is a candidate for the office of President or Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to be the candidate's candidates for presidential electors.

(7) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(8) A statement as to whether the candidate has:

(A) been a candidate for state or local office in a previous primary or general election; and

(B) filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of intent to be a write-in candidate under section 4 of this chapter.

(10) If the candidate is subject to IC 3-9-1-5.5, a statement that the candidate is required to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(11) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(12) The candidate's signature and telephone number.

(c) At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate is considered a candidate for all

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1 purposes.

2 (d) A write-in candidate must comply with the requirements under
3 IC 3-8-1 that apply to the office to which the write-in candidate seeks
4 election.

5 (e) A person may not be a write-in candidate in a contest for
6 nomination or for election to a political party office.

7 (f) A write-in candidate for the office of President or Vice President
8 of the United States must list at least one (1) candidate for presidential
9 elector and may not list more than the total number of presidential
10 electors to be chosen in Indiana.

11 (g) The commission shall provide that the form of a declaration of
12 intent to be a write-in candidate includes the following information
13 near the separate signature required by subsection (b)(7):

14 (1) The dates for filing campaign finance reports under IC 3-9.

15 (2) The penalties for late filing of campaign finance reports under
16 IC 3-9.

17 (h) A declaration of intent to be a write-in candidate must include
18 a statement that the candidate requests the name on the candidate's
19 voter registration record be the same as the name the candidate uses on
20 the declaration of intent to be a write-in candidate. If there is a
21 difference between the name on the candidate's declaration of intent to
22 be a write-in candidate and the name on the candidate's voter
23 registration record, the officer with whom the declaration of intent to
24 be a write-in candidate is filed shall forward the information to the
25 voter registration officer of the appropriate county as required by
26 IC 3-5-7-6(e). The voter registration officer of the appropriate county
27 shall change the name on the candidate's voter registration record to be
28 the same as the name on the candidate's declaration of intent to be a
29 write-in candidate.

30 SECTION 17. IC 3-8-6-12, AS AMENDED BY P.L.26-2000,
31 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2003]: Sec. 12. (a) A petition of nomination for an office filed
33 under section 10 of this chapter must be filed with and, **except as**
34 **provided in subsection (d)**, certified by the person with whom a
35 declaration of candidacy must be filed under IC 3-8-2.

36 (b) The petition of nomination must be accompanied by the
37 following:

38 (1) The candidate's written consent to become a candidate.

39 (2) A statement that the candidate:

40 (A) is aware of the provisions of IC 3-9 regarding campaign
41 finance and the reporting of campaign contributions and
42 expenditures; and



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(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(5) A statement indicating whether or not each candidate:

(A) has been a candidate for state or local office in a previous primary or general election; and

(B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

(c) The statement required under subsection (b)(7) must:

(1) be certified by each circuit court clerk; and

(2) indicate the number of votes cast for secretary of state:

(A) at the last election for secretary of state; and

(B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The person with whom the petition of nomination must be filed under subsection (a) shall:

(1) determine whether a sufficient number of signatures as

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required by section 3 of this chapter have been obtained; and

(2) do one (1) of the following:

(A) If the petition includes a sufficient number of signatures, certify the petition.

(B) If the petition has an insufficient number of signatures, deny the certification.

(e) The secretary of state shall, by noon August 20:

(1) certify; or

(2) deny certification under subsection (d) to;

each petition of nomination filed in the secretary of state's office to the appropriate county.

~~(e)~~ (f) The commission shall provide that the form of a petition of nomination includes the following information near the separate signature required by subsection (b)(2):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

~~(f)~~ (g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.

(i) A candidate may contest the denial of certification under subsection (d) based on:

(1) the circuit court clerk's or board of registration's failure to certify, under section 8 of this chapter, qualified petitioners; or

(2) the determination described in subsection (d)(1);

using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination.

SECTION 18. IC 3-8-6-14, AS AMENDED BY P.L.58-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2003]: Sec. 14. (a) A person may not be selected as a candidate by petition of nomination without giving written consent and having it filed with the public official with whom certificates and petitions of nomination are required to be filed.

(b) Each candidate nominated by petition of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated, including the filing of statements of economic interest.

(c) All questions concerning the validity of a petition of nomination filed with the secretary of state **or contesting the denial of certification under section 12(d) of this chapter** shall be referred to and determined by the commission. A statement questioning the validity of a petition of nomination **or contesting the denial of certification under section 12(d) of this chapter** must be filed with the election division under IC 3-8-1-2(c) **or IC 3-8-1-2(e)** not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(d) All questions concerning the validity of a petition of nomination filed with a circuit court clerk **or contesting the denial of certification under section 12(d) of this chapter** shall be referred to and determined by the county election board. A statement questioning the validity of a petition of nomination **or contesting the denial of certification under section 12(d) of this chapter** must be filed with the county election board under IC 3-8-1-2(c) **or IC 3-8-1-2(e)** not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(e) This subsection does not apply to a petition of nomination for election to a school board office subject to IC 3-8-2-14. The commission or a county election board shall rule on the validity of the petition of nomination **or the denial of certification under section 12(d) of this chapter** not later than noon sixty (60) days before the date on which the general or municipal election will be held for the office.

(f) This subsection applies to a petition of nomination for election to a school board office elected in a general election. All questions concerning the validity of the petition of nomination shall be referred to and determined by the county election board not later than noon fifty-four (54) days before the date of the general election. A statement questioning the validity of a petition of nomination must be filed with the county election board under IC 3-8-1-2(c) not later than noon sixty-seven (67) days before the date of the general election.



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1 SECTION 19. IC 3-8-7-2 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2003]: Sec. 2. The election division shall, not
 3 later than noon ~~August 20~~, **seventy-four (74) days before the date of**
 4 **the general election**, certify the primary election results canvassed and
 5 tabulated under IC 3-10-1-34 for:

- 6 (1) candidates for federal and state offices; and
 7 (2) candidates for legislative and local offices who are required to
 8 file a declaration of candidacy with the election division under
 9 IC 3-8-2;

10 to the county election board of each county in which the candidates are
 11 to be voted for at the next general election. No other form of
 12 certification of nomination for the offices is necessary.

13 SECTION 20. IC 3-8-7-12 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. ~~(a)~~ A certificate of
 15 nomination for an office to be elected by the electorate of the whole
 16 state shall be filed with the election division. A certificate of
 17 nomination for any other elected office shall be filed with the person
 18 with whom a declaration of candidacy shall be filed.

19 ~~(b) The election division shall, not later than noon August 20,~~
 20 ~~certify each certificate of nomination filed in the election division to~~
 21 ~~the appropriate county election board.~~

22 SECTION 21. IC 3-8-7-14, AS AMENDED BY P.L.260-2001,
 23 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2003]: Sec. 14. **(a) This section does not apply to the**
 25 **certification of nominees under IC 3-10-4-5.**

26 **(b)** A certificate of nomination required to be filed with the election
 27 division or circuit court clerk shall be filed not later than noon July 15
 28 before the date fixed for the election of the person nominated.

29 SECTION 22. IC 3-8-7-16 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. **(a) This section**
 31 **does not apply to the certification of nominees under IC 3-10-4-5.**

32 **(b)** The election division shall certify the following to each county
 33 election board not later than noon August 20 ~~(or noon sixty (60) days~~
 34 ~~before the general election for nominees for United States President~~
 35 ~~and Vice President):~~ before an election:

- 36 (1) The name and place of residence of each person nominated for
 37 election to:
 38 (A) an office for which the electorate of the whole state may
 39 vote;
 40 (B) the United States House of Representatives;
 41 (C) a legislative office; or
 42 (D) a local office for which a declaration of candidacy must be



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1 filed with the election division under IC 3-8-2.

2 (2) The name of each:

3 (A) justice of the supreme court;

4 (B) judge of the court of appeals; and

5 (C) judge of the tax court;

6 who is subject to a retention vote by the electorate and who has
7 filed a statement under IC 33-2.1-2-6 indicating that the justice or
8 judge wishes to have the question of the justice's or judge's
9 retention placed on the ballot.

10 ~~(b)~~ (c) Subject to compliance with section 11 of this chapter, the
11 election division shall designate the device under which the list of
12 candidates of each political party will be printed and the order in which
13 the political party ticket will be arranged under IC 3-10-4-2 and
14 IC 3-11-2-6.

15 SECTION 23. IC 3-9-3-1 IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) Except as provided in
17 ~~subsection~~ **subsections (b) and (c)**, this chapter applies to candidates
18 in all elections and caucuses and to the following types of committees:

19 (1) Candidate's committees.

20 (2) Regular party committees.

21 (3) Political action committees.

22 (4) An auxiliary party organization.

23 (5) A legislative caucus committee.

24 (b) Section 4 of this chapter does not apply to candidates for federal
25 office.

26 **(c) Section 2.5 of this chapter does not apply to candidates for**
27 **the following:**

28 **(1) Precinct committeeman.**

29 **(2) State convention delegate.**

30 SECTION 24. IC 3-9-4-6 IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) Except as provided in
32 ~~subsection~~ **subsections (b) and (c)**, the election division and each
33 county election board shall preserve reports and statements for four (4)
34 years from December 1 following the election to which they pertain,
35 unless the records are in litigation.

36 (b) This subsection applies to reports and statements filed by a
37 person that seeks to influence the election or retention of an individual
38 to an office with a term of more than four (4) years. The election
39 division and each county election board shall preserve the reports and
40 statements subject to this subsection until the final December 1 before
41 the expiration of the term for the office, unless the records are in
42 litigation.



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1 **(c) If a report is a duplicate of a report required to be filed**
 2 **under the federal Election Campaign Act (2 U.S.C. 431 et seq.), the**
 3 **report may be discarded on January 1 of the second year after the**
 4 **report was filed.**

5 SECTION 25. IC 3-9-4-16 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) In addition to
 7 any other penalty imposed, a person who does any of the following is
 8 subject to a civil penalty under this section:

9 (1) Fails to file with the election division a report in the manner
 10 required under IC 3-9-5.

11 (2) Fails to file a statement of organization required under
 12 IC 3-9-1.

13 (3) Is a committee or a member of a committee who disburses or
 14 expends money or other property for any political purpose before
 15 the money or other property has passed through the hands of the
 16 treasurer of the committee.

17 (4) Makes a contribution other than to a committee subject to this
 18 article or to a person authorized by law or a committee to receive
 19 contributions on the committee's behalf.

20 (5) Is a corporation or labor organization that exceeds any of the
 21 limitations on contributions prescribed by IC 3-9-2-4.

22 (6) Makes a contribution in the name of another person.

23 (7) Accepts a contribution made by one (1) person in the name of
 24 another person.

25 (8) Is not the treasurer of a committee subject to this article, and
 26 pays any expenses of an election or a caucus except as authorized
 27 by this article.

28 (9) Commingles the funds of a committee with the personal funds
 29 of an officer, a member, or an associate of the committee.

30 (10) Wrongfully uses campaign contributions in violation of
 31 IC 3-9-3-4.

32 (11) Violates IC 3-9-2-12.

33 **(12) Fails to designate a contribution as required by**
 34 **IC 3-9-2-5(c).**

35 (b) This subsection applies to a person who is subject to a civil
 36 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
 37 statement. If the commission determines that a person failed to file the
 38 amended report or statement of organization not later than noon five (5)
 39 days after being given notice under section 14 of this chapter, the
 40 commission may assess a civil penalty. The penalty is ten dollars (\$10)
 41 for each day the report is late after the expiration of the five (5) day
 42 period, not to exceed one hundred dollars (\$100) plus any investigative



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costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the commission determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the commission shall assess a civil penalty. The penalty is fifty dollars (\$50) for each day the report or statement is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the commission determines that a person is subject to a civil penalty under subsection (a), the commission may assess a civil penalty of not more than one thousand dollars (\$1,000), plus any investigative costs incurred and documented by the election division.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the commission determines that a person is subject to a civil penalty under subsection (a)(5), the commission may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the election division.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the commission determines that a candidate or the candidate's committee has violated IC 3-9-2-12, the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

- (1) Two (2) times the amount of any contributions received.
- (2) One thousand dollars (\$1,000).

(g) This subsection applies to a person who is subject to a civil penalty under subsection (a)(12). If the commission determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

- (1) Two (2) times the amount of the contributions**



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1 **undesignated.**

2 **(2) One thousand dollars (\$1,000).**

3 **(h)** All civil penalties collected under this section shall be deposited
4 with the treasurer of state in the campaign finance enforcement
5 account.

6 ~~(h)~~ **(i)** Proceedings of the commission under this section are subject
7 to IC 4-21.5.

8 SECTION 26. IC 3-9-4-17 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. (a) In addition to
10 any other penalty imposed, a person who does any of the following is
11 subject to a civil penalty under this section:

12 (1) Fails to file with a county election board a report in the
13 manner required under IC 3-9-5.

14 (2) Fails to file a statement of organization required under
15 IC 3-9-1.

16 (3) Is a committee or a member of a committee who disburses or
17 expends money or other property for any political purpose before
18 the money or other property has passed through the hands of the
19 treasurer of the committee.

20 (4) Makes a contribution other than to a committee subject to this
21 article or to a person authorized by law or a committee to receive
22 contributions in the committee's behalf.

23 (5) Is a corporation or labor organization that exceeds any of the
24 limitations on contributions prescribed by IC 3-9-2-4.

25 (6) Makes a contribution in the name of another person.

26 (7) Accepts a contribution made by one (1) person in the name of
27 another person.

28 (8) Is not the treasurer of a committee subject to this article, and
29 pays any expenses of an election or a caucus except as authorized
30 by this article.

31 (9) Commingles the funds of a committee with the personal funds
32 of an officer, a member, or an associate of the committee.

33 (10) Wrongfully uses campaign contributions in violation of
34 IC 3-9-3-4.

35 **(11) Fails to designate a contribution as required by**
36 **IC 3-9-2-5(c).**

37 (b) This subsection applies to a person who is subject to a civil
38 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
39 statement. If the county election board determines that a person failed
40 to file the report or a statement of organization not later than noon five
41 (5) days after being given notice under section 14 of this chapter, the
42 county election board may assess a civil penalty. The penalty is ten

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dollars (\$10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars (\$100) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the county election board determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the board shall assess a civil penalty. The penalty is fifty dollars (\$50) for each day the report is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the county election board determines that a person is subject to a civil penalty under subsection (a), the board may assess a civil penalty of not more than one thousand dollars (\$1,000), plus any investigative costs incurred and documented by the board.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the county election board determines that a person is subject to a civil penalty under subsection (a)(5), the board may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the board.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the county election board determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the board shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the board:

(1) Two (2) times the amount of the contributions undesignated.

(2) One thousand dollars (\$1,000).

(g) All civil penalties collected under this section shall be deposited with the county treasurer to be deposited by the county treasurer in a separate account to be known as the campaign finance enforcement account. The funds in the account are available, with the approval of the county fiscal body, to augment and supplement the funds

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appropriated for the administration of this article.

~~(g)~~ **(h)** Money in the campaign finance enforcement account does not revert to the county general fund at the end of a county fiscal year.

~~(h)~~ **(i)** Proceedings of the county election board under this section are subject to IC 4-21.5.

SECTION 27. IC 3-9-5-8, AS AMENDED BY P.L.176-1999, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) This section applies to a candidate for nomination to an office in a ~~state~~ convention who becomes a candidate less than twenty-five (25) days before the nomination date for a candidate chosen at a convention.

(b) A candidate is not required to file a report in accordance with section 6(a)(1) of this chapter. The candidate shall file the candidate's first report not later than noon twenty (20) days after the nomination date for a candidate chosen at a ~~state~~ convention.

(c) The reporting period for the first report required for a candidate begins on the date that the individual became a candidate and ends on the day following the adjournment of the ~~state~~ convention.

SECTION 28. IC 3-9-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) A person may file duplicates of the reports required to be filed under the Federal Election Campaign Act (2 U.S.C. 431 et seq.) to comply with this chapter.

(b) The duplicate must cover all activity of the committee, and the committee shall file a supplementary report as directed by the election division to provide information required by this article but not included in the federal report.

(c) Each candidate for United States Senator or United States Representative and the treasurer of the candidate's committee may file with the election division duplicates of the reports required by federal law.

(d) If a report is available on the Federal Election Commission's web site, a statement to that effect is all the person is required to file.

SECTION 29. IC 3-9-5-20.1, AS ADDED BY P.L.176-1999, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20.1. (a) This section applies only to a large contribution that ~~satisfies all of the following:~~

~~(1) The contribution~~ is received by a candidate, the candidate's committee, or the treasurer of the candidate's committee.

~~(2) The contribution is received:~~

~~(A) not more than twenty-five (25) days before an election;~~



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1 ~~and~~

2 ~~(B) not less than forty-eight (48) hours before an election.~~

3 (b) As used in this section, "election" refers to any of the following:

4 (1) A primary election.

5 (2) A general election.

6 (3) A municipal election.

7 (4) A special election.

8 (5) For candidates nominated at a state convention, the state
9 convention.

10 (c) As used in this section, "large contribution" means ~~a contribution~~
11 **contributions:**

12 **(1) that total of at least one thousand dollars (\$1,000); and**

13 **(2) received:**

14 **(A) not more than twenty-five (25) days before an election;**
15 **and**

16 **(B) not less than forty-eight (48) hours before an election.**

17 (d) The treasurer of a candidate's committee shall file a
18 supplemental large contribution report with the election division or a
19 county election board not later than forty-eight (48) hours after the
20 contribution is received. **A candidate for a legislative office shall file**
21 **a report required by this section with the election division and the**
22 **county election board as required by section 3 of this chapter.** A
23 report filed under this section may be filed by facsimile (fax)
24 transmission.

25 (e) A report required by subsection (d) must contain the following
26 information for each large contribution:

27 (1) The name of the person making the contribution.

28 (2) The address of the person making the contribution.

29 (3) If the person making the contribution is an individual, the
30 individual's occupation.

31 (4) The **total** amount of the contribution.

32 (5) The ~~date dates~~ and ~~time times~~ the ~~contribution was~~
33 **contributions making up the large contribution were** received
34 by the treasurer, the candidate, or the candidate's committee.

35 (f) The commission shall prescribe the form for the report required
36 by this section.

37 SECTION 30. IC 3-10-1-13 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. The primary
39 election paper ballots and ballot cards of each political party must be
40 of uniform size and of the same quality paper as the paper ballots and
41 ballot cards used at the general election. The paper ballots and ballot
42 cards must be **distinctively marked or be of a different color for so**



1 **that the ballots of each party holding a primary election are easily**
 2 **distinguishable.** All the candidates representing one (1) party shall be
 3 placed on one (1) ticket with the name of the party placed at the top in
 4 the form prescribed by section 19 of this chapter.

5 SECTION 31. IC 3-10-1-31, AS AMENDED BY P.L.199-2001,
 6 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2003]: Sec. 31. (a) The inspector of each precinct shall deliver
 8 the bags required by section 30(a) and 30(c) of this chapter in good
 9 condition, together with poll lists, tally sheets, and other forms, to the
 10 circuit court clerk when making returns.

11 (b) Except for unused ballots disposed of under IC 3-11-3-31, the
 12 circuit court clerk shall carefully preserve the ballots and other material
 13 and keep all seals intact for twenty-two (22) months, as required by 42
 14 U.S.C. 1974, after which they may be destroyed unless:

- 15 (1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or
- 16 (2) 42 U.S.C. 1973;

17 requires the continued preservation of the ballots or other material.

18 (c) Upon delivery of the poll lists, the circuit court clerk or board of
 19 registration may unseal the envelopes containing the poll lists. For the
 20 purposes of:

- 21 (1) a cancellation of registration conducted under IC 3-7-43
- 22 through IC 3-7-46; ~~or~~
- 23 (2) a transfer of registration conducted under IC 3-7-39,
- 24 IC 3-7-40, or IC 3-7-42; **or**

25 **(3) adding the registration of a voter under IC 3-7-48-8;**

26 the clerk or board may inspect the poll lists and update the registration
 27 record of the county. The clerk or board shall use the poll lists to
 28 update the registration record to include the voter's voter identification
 29 number if the voter's voter identification number is not already
 30 included in the registration record. Upon completion of the inspection,
 31 the poll list shall be resealed and preserved with the ballots and other
 32 materials for the time period prescribed by subsection (b).

33 (d) After the expiration of the period described in subsection (b), the
 34 ballots may be destroyed in the manner provided by IC 3-11-3-31 or
 35 transferred to a state educational institution as provided by
 36 IC 3-12-2-12.

37 SECTION 32. IC 3-10-1-34, AS AMENDED BY P.L.176-1999,
 38 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2003]: Sec. 34. The election division, not later than noon:

- 40 (1) ~~on the second Wednesday following a primary election~~
 41 ~~conducted in a year in which a general election will be held; on~~
 42 **the date for correcting an error under IC 3-12-5-14; or**



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(2) seven (7) days after receipt of the final recount certificate transmitted under IC 3-12-6-31 or IC 3-12-11-18; whichever occurs later, shall canvass the votes cast for candidates required to file a declaration of candidacy with the election division under IC 3-8-2 and tabulate the result as provided in IC 3-12.

SECTION 33. IC 3-10-2-15, AS AMENDED BY P.L.202-1999, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) This section applies to a political party whose nominee received at least two percent (2%) but less than ten percent (10%) of the votes cast for secretary of state at the last election for that office.

(b) This section applies only to a local office that is:

(1) not listed in IC 3-8-2-5; and

(2) not a municipal office subject to IC 3-8-5-17 or IC 3-10-6-12.

(c) A political party subject to this section shall nominate the party's candidate for a local office at a county convention of the party.

(d) The chairman and secretary of the convention shall execute a certificate of nomination in writing, setting out the following:

(1) The name of each nominee as:

(A) the nominee wants the nominee's name to appear on the ballot; and

(B) the nominee's name is permitted to appear on the ballot under IC 3-5-7.

(2) The residence address of each nominee.

(3) The office for which each nominee was nominated.

(4) That each nominee is legally qualified to hold office.

(5) The political party device or emblem by which the ticket will be designated on the ballot.

Both the chairman and secretary shall acknowledge the certificate before an officer authorized to take acknowledgment of deeds.

(e) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6.

(f) The certificate required by subsection (d) and the consent required by subsection (e) must be filed with the circuit court clerk of the county containing the greatest percentage of population of the election district for which the candidate has been nominated by the convention not later than noon ~~August 1~~ **July 15**.

(g) A candidate's consent to the nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to the nomination. If there is a difference between the name on

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the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination is filed shall forward the information to the voter registration officer of the appropriate county. The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to the nomination.

SECTION 34. IC 3-10-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) This subsection applies to a major political party and to a political party subject to IC 3-8-4-10. The state chairman of each political party shall certify to the election division the names of the nominees of the party for President and Vice President of the United States and the state of which each nominee is a resident.

(b) If candidates for presidential electors are nominated by petitioners instead of by a convention of a major political party or a party subject to IC 3-8-4-10, the petitioners shall certify with the list of names of electors:

- (1) the names of their nominees for President and Vice President of the United States;
- (2) the state of which each nominee is a resident; and
- (3) the name of the political party of the nominees, or that the nominees are an independent ticket.

(c) This subsection applies to a political party described in subsection (a) and to candidates nominated by petitioners under subsection (b). The names of:

- (1) all candidates for presidential electors; and
- (2) all nominees for President and Vice President of the United States;

shall be certified ~~by~~ **to the election division not later than noon on the second Tuesday in September** ~~before the general election. The election division shall certify to each county election board not later than noon on the second Thursday in September before the general election the names of the nominees for President and Vice President of the United States certified to the election division under this subsection.~~

(d) The names of all candidates for presidential electors for a write-in candidate shall be included on the declaration for candidacy filed by a write-in candidate for the office of President or Vice President of the United States filed under IC 3-8-2.

SECTION 35. IC 3-10-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. **(a)** A county election

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board and a town may enter into a written agreement providing that the county election board will conduct a municipal election in the town. ~~However,~~

(b) A town that enters into ~~such~~ an agreement **described in subsection (a)** shall continue to nominate candidates by convention conducted under IC 3-8-5 or by petition filed under IC 3-8-6 **unless the town nominates candidates in a primary election as provided in IC 3-8-5-2.**

(c) An agreement may not be entered into after July 1 of a year in which a municipal election is to be held in the town.

(d) A county election board that enters into an agreement under this section shall conduct the municipal election in the same manner as it conducts a general election in a town that has a population of three thousand five hundred (3,500) or more.

SECTION 36. IC 3-11-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. Each county election board shall have the:

(1) names of all candidates for United States Representative, legislative offices, and local offices; and

(2) local public questions;

in election districts within the county printed on ~~ballots~~ **a ballot** as provided in this chapter. **The county may print all offices on a single ballot under this section.**

SECTION 37. IC 3-11-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) ~~Except as provided in subsection (c), the election division and county election boards shall use the following colors for paper ballots:~~

(1) For President and Vice President of the United States; ~~cherry red paper:~~

(2) For United States Senator; state offices; and public questions; ~~if the public question:~~

(A) is voted on by the entire electorate of Indiana; or

(B) concerns the retention of a justice of the Indiana supreme court or a judge of the Indiana court of appeals;

~~pink paper:~~

(3) For municipal offices; blue paper:

(4) For township offices; yellow paper:

(5) For United States Representative; county offices; school board offices; and all other offices; white paper:

(6) For local public questions; green paper:

(b) The chairman or committee responsible for supplying pasters under IC 3-11-3-29 shall supply pasters of the same color as the ballot

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on which the paster will be placed.

(c) A county election board, by unanimous vote of its entire membership, may print ballots for township offices in any color if the ballot for township offices in each township within the county is not the same color as any:

(1) other township ballot within the county; or

(2) ballot for other offices or public questions listed in subsection

(a):

SECTION 38. IC 3-11-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) An overseas voter who resides outside the United States and who is no longer a resident of a precinct in Indiana is only entitled to receive absentee ballots for a federal office under this chapter.

(b) A voter described in subsection (a) is considered to be a voter of the Indiana precinct where the voter registration office is located.

SECTION 39. IC 3-11-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, the absentee ballots that are prepared and printed under the direction of the election division shall be delivered to the circuit court clerk or the clerk's authorized deputy not less than forty-five (45) days before a general election or twenty-nine (29) days before a special election. The absentee ballots shall be delivered in the same manner that other official ballots are delivered.

(b) This subsection applies to the printing of absentee ballots for a general election in which the names of nominees for President and Vice President of the United States are to be printed on the ballot. The absentee ballots that are prepared and printed under the direction of the election division shall be delivered to the circuit court clerk not later than thirty-eight (38) days before the general election.

(c) An absentee ballot described by section 12(d) of this chapter shall be delivered by the election division to the circuit court clerk or the clerk's authorized deputy not later than the first Monday in June before a general election.

SECTION 40. IC 3-11-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. All absentee ballots other than those specified in section 12 of this chapter shall be prepared and printed under the direction of each county election board. After completing the estimate required by section 10 of this chapter **and receiving all certifications from the election division required**

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1 **under IC 3-8 or IC 3-10**, the county election board shall immediately
 2 proceed to prepare and have printed the ballots. Ballots prepared by the
 3 county election board under this section must provide space for the
 4 voter to cast a write-in ballot.

5 SECTION 41. IC 3-11-4-15 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. **(a) Except as**
 7 **provided in subsection (b)**, the absentee ballots that are prepared and
 8 printed under the direction of a county election board shall be delivered
 9 to the circuit court clerk **(or the board acting under IC 3-6-5.2)** at
 10 least:

11 (1) forty-five (45) days before a general, primary, or municipal
 12 election;

13 (2) thirty-two (32) days before a special election.

14 **(b) This subsection applies to the printing of absentee ballots for**
 15 **a general election in which the names of nominees for President**
 16 **and Vice President of the United States are to be printed on the**
 17 **ballot. The absentee ballots that are prepared and printed under**
 18 **the direction of a county election board shall be delivered to the**
 19 **circuit court clerk (or the board acting under IC 3-6-5.2) not later**
 20 **than thirty-eight (38) days before the general election.**

21 SECTION 42. IC 3-11-6.5-3, AS ADDED BY P.L.239-2001,
 22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 3. To receive reimbursement under this
 24 chapter, a county must make an application to the ~~budget agency not~~
 25 ~~later than January 1, 2003;~~ **secretary of state** in the form required by
 26 the ~~budget agency;~~ **secretary of state. The secretary of state shall**
 27 **review the application and make a recommendation to the budget**
 28 **committee regarding the application.**

29 SECTION 43. IC 3-11-6.5-4, AS ADDED BY P.L.239-2001,
 30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 4. The budget agency, after review by the
 32 budget committee, shall approve a county's application for
 33 reimbursement under this chapter if the county's application
 34 demonstrates to the budget agency either of the following:

35 (1) That the county will:

36 (A) purchase;

37 (B) lease-purchase; or

38 (C) lease;

39 a new voting system or an upgrade or expansion of an existing
 40 voting system from a vendor that has a quantity purchase
 41 agreement awarded under section 1 of this chapter.

42 (2) The county purchased a new voting system or an upgrade or

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expansion of the county's existing voting system after ~~January 1,~~
~~1998~~, **November 5, 1996**, and before ~~July 1, 2001~~, **January 1,**
2001, that would not qualify for reimbursement from federal
funds received under the federal Help America Vote Act of
2002 (42 U.S.C. 15301 through 15545), and the new voting
system or upgrade or expansion of the county's existing voting
system enhanced all of the following:

- (A) Reliability of the county's voting system.
- (B) Efficiency of the county's voting system.
- (C) Ease of use of the county's voting system by voters.
- (D) Public confidence in the county's voting system.

SECTION 44. IC 3-11-6.5-4.5 IS ADDED TO THE INDIANA
CODE AS A **NEW** SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2003]: **Sec. 4.5. (a) Payment of money from**
the voting system improvement fund is subject to:

- (1) the availability of money in the fund;**
- (2) the requirements of this chapter; and**
- (3) the provisions of the federal Help America Vote Act of**
2002 (42 U.S.C. 15301 through 15545) (HAVA), including the
reduction of the multiplier set forth in Section 102 of HAVA
for the reimbursement of counties with precincts that used
lever machines or punch card voting systems at the November
7, 2000, general election.

(b) The secretary of state may provide a combination of
reimbursements and voting system distributions to a county under
this chapter.

SECTION 45. IC 3-11-8-15, AS AMENDED BY P.L.38-1999,
SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2003]: Sec. 15. (a) Persons other than:

- (1) members of a precinct election board;
- (2) poll clerks and assistant poll clerks;
- (3) election sheriffs;
- (4) deputy election commissioners;
- (5) pollbook holders;
- (6) **challengers;**
- (7) watchers; and
- ~~(7)~~ **(8) minor children accompanying voters as provided under**
IC 3-11-11-8 and IC 3-11-12-29;

are not permitted in the polls during an election except for the purpose
of voting.

(b) This subsection applies to a simulated election for minors
conducted with the authorization of the county election board. An



individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(c) The inspector of a precinct has authority over all simulated election activities conducted under subsection (b) and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

SECTION 46. IC 3-11-8-16, AS AMENDED BY P.L.38-1999, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. ~~Challengers appointed under IC 3-6-7 are entitled to stand at the sides of the chute next to the entrance to the polls, as provided in IC 3-6-7-2. No other~~ A person may **not** remain within fifty (50) feet of the entrance to the polls except for the purpose of offering to vote.

SECTION 47. IC 3-11-9-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) **As used in this section, "service animal" has the meaning set forth in IC 35-46-3-11.5.**

(b) **A voter who requires the assistance of a service animal is entitled to bring the animal into the polls and the voting booth.**

SECTION 48. IC 3-11-10-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 39. Each county election board ~~may, not later than the fourth day before election day,~~ **shall** conduct a ~~one (+) day~~ training session for the members of the absentee voter boards. **A member of an absentee voter board must receive the training before the member begins performing the member's duties.** At the training session the duties of the absentee voter boards and the election laws and penalties pertaining to their duties shall be explained in detail. The members of absentee voter boards are entitled to a per diem set by the county executive for attending the training session.

SECTION 49. IC 3-11-15-13, AS AMENDED BY P.L.126-2002, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) Except as provided in this chapter, to be approved for use in Indiana, a voting system shall meet the standards established by the ~~Performance and Test Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems System Standards~~ issued by the Federal Election Commission on ~~January 25, 1990: April 30, 2002.~~

(b) The commission may adopt rules under IC 4-22-2 to require a voting system to meet standards more recent than standards described in subsection (a). If the commission adopts rules under this subsection,



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a voting system must meet the standards described in the rules instead of the standards described in subsection (a).

SECTION 50. IC 3-12-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) This section does not apply to the correction of an error under IC 3-12-6-29 or IC 3-12-11-23.

(b) The county election board or the election division shall correct an error in the certification of the vote for a candidate or on a public question if the error is discovered not later than the final date and hour for the filing of a recount or contest under ~~IC 3-12-11-23~~ **this article**.

SECTION 51. IC 3-12-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) Upon the filing of a petition for a recount, the circuit court clerk shall notify the judge. The judge shall:

(1) issue a notice of the filing and pendency of the petition to:

(A) each candidate named in the petition;

(B) the county election board; and

(C) the election division if the petition relates to a recount for the office of judge or prosecuting attorney; and

(2) deliver the notice to the sheriff of each county in which a candidate resides.

(b) Each sheriff shall immediately serve the notice upon candidates in person or by leaving a copy at the last and usual place of residence. The sheriff shall make immediate return of the service.

SECTION 52. IC 3-12-6-22.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22.5. (a) **After the commission files its certificate under section 22 of this chapter, the court that appointed the commission shall issue an order that does the following:**

(1) Acknowledges the filing of the certificate.

(2) Discharges the commission.

(3) Releases election materials impounded during the recount.

(b) The determination of a commission under section 22 of this chapter is final, although an appeal may be taken to the court that appointed the commission.

~~(b)~~ **(c)** An appeal under subsection ~~(a)~~ **(b)**:

(1) must be filed not later than thirty (30) days after the court issues the order under subsection (a); and

(2) is limited to:

~~(1)~~ **(A)** questions of law arising out of the recount; and

~~(2)~~ **(B)** procedural defects by the recount commission that affected the outcome of the recount.

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SECTION 53. IC 3-12-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) Upon the filing of a petition for a contest, the circuit court clerk shall notify the circuit court judge. The judge shall issue a notice to the county sheriff directing the sheriff to serve notice upon the contestee and all other persons named in the petition as candidates for nomination or election to the office to appear and answer the petition in the circuit court on a day to be fixed in the notice.

(b) **The county sheriff shall also serve a copy of the notice described in subsection (a) on:**

(1) **the county election board; and**

(2) **the election division if the petition relates to a contest for the office of judge or prosecuting attorney.**

SECTION 54. IC 3-13-1-15, AS AMENDED BY P.L.260-2001, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

(1) The name of each candidate as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) The **residence** address of each candidate.

(b) The certificate shall be filed with:

(1) the election division for:

(A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or

(B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge of a circuit, superior, probate, county, or small claims court or prosecuting attorney; or

(2) the circuit court clerk, for a committee acting under section 6(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the primary election ballot as described in section 2 of this chapter. The certificate required by subsection (a) shall be filed not later than noon July 3 before election day.

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(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 55. IC 3-13-1-20, AS AMENDED BY P.L.260-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. (a) This section applies to a political party subject to IC 3-8-4-10.

(b) A candidate vacancy that exists following the convention of the party shall be filled by the state committee of the political party not later than noon June 30 before election day. **The chairman of the state committee shall file a notice of intent to fill the candidate vacancy with the official who is required to receive a certificate of candidate selection under section 15 of this chapter. The notice must be filed not later than ten (10) days before the chairman fills the candidate vacancy.** The chairman of the state committee shall act in accordance with section 15 of this chapter to certify the candidate selected to fill the vacancy.

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the general election ballot resulting from the failure of the convention to nominate a candidate for an office. The certificate required by subsection (b) shall be filed not later than noon July 3 before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (b) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 56. IC 3-13-2-8, AS AMENDED BY P.L.202-1999, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) The chairman or chairmen filling a candidate vacancy under this chapter shall immediately file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

(1) The name of each candidate as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) The **residence** address of each candidate.

(b) The certificate shall be filed with:

(1) the election division for:



- 1 (A) one (1) or more chairmen acting under section 2, 3, 4, or
 2 5(b) of this chapter; or
 3 (B) a committee acting under section 5(b) of this chapter to fill
 4 a candidate vacancy for the office of judge of a circuit,
 5 superior, probate, county, or small claims court or prosecuting
 6 attorney; or
 7 (2) the circuit court clerk of the county in which the greatest
 8 percentage of the population of the election district is located, for
 9 a chairman acting under section 5(a) of this chapter to fill a
 10 candidate vacancy for a local office not described in subdivision
 11 (1).

12 (c) The certificate required by section (a) shall be filed not more
 13 than three (3) days (excluding Saturdays and Sundays) after selection
 14 of the candidate.

15 SECTION 57. IC 3-14-1-17 IS ADDED TO THE INDIANA CODE
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2003]: Sec. 17. (a) As used in this section, "officeholder" refers
 18 to a person who holds an elected office.

19 (b) Except as provided in subsection (c), a person who
 20 knowingly or intentionally authorizes, finances, sponsors, or
 21 participates in the preparation, distribution, or broadcast of paid
 22 political advertising or campaign material that falsely represents
 23 that a candidate in any election is or has been an officeholder
 24 commits a Class B misdemeanor. However, the offense is a Class
 25 A misdemeanor if the person has a prior unrelated conviction
 26 under this section.

27 (c) Subsection (b) does not apply to a person whose sole act is,
 28 in the normal course of business, participating in the preparation,
 29 the printing, distribution, or broadcast of the advertising or
 30 material containing the false representation.

31 SECTION 58. IC 3-14-2-19 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. (a) A person who
 33 knowingly:

- 34 (1) forges or falsely makes the official endorsement of a ballot; or
 35 (2) prints or circulates an imitation ballot;
 36 commits a Class D felony.

37 (b) This section does not prohibit the printing or circulation of
 38 a sample ballot or a reproduction of an official ballot if the sample
 39 or reproduction complies with IC 3-9-3-2.5 and the printing or
 40 circulation does not violate IC 3-14-1-2.

41 SECTION 59. IC 3-14-3-16 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) As used in this

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section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual.

(b) A person who knowingly does any electioneering:

(1) on election day within:

(A) the polls; or

(B) fifty (50) feet of the entrance to the polls; or

(2) within an area in the office of the circuit court clerk used by an absentee voter board to permit an individual to cast an absentee ballot;

commits a ~~Class D felony~~. **Class A misdemeanor.**

SECTION 60. IC 3-14-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. An election officer who knowingly:

(1) discloses to a person the name of a candidate for whom a voter has voted or how a voter voted on a public question; or

(2) does any electioneering on election day;

commits a ~~Class D felony~~. **Class A misdemeanor.**

SECTION 61. IC 3-14-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) This section applies during an election whenever a voter makes an affidavit before the inspector in a precinct that a person who has voted is an illegal voter in the precinct.

(b) Immediately after the close of the polls the inspector shall deliver the affidavit to the **county election board for delivery by the prosecuting attorney for the county who to the grand jury under section 2 of this chapter. The prosecuting attorney for the county** shall:

(1) proceed as if the affidavit had been made before the prosecuting attorney; and

(2) ~~notify~~ **ensure that the grand jury notifies** the NVRA official **under section 2 of this chapter** if a violation of NVRA appears to have occurred.

SECTION 62. IC 3-14-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) Each precinct election board shall, at the close of the polls, place all affidavits prescribed by this title for use on election day to determine the eligibility of a precinct election officer (or a person who wishes to cast a ballot) in a strong paper bag or envelope and securely seal it. Each member shall endorse that member's name on the back of the bag or envelope.



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(b) The inspector and judge of the opposite political party shall deliver the **sealed** bag or envelope to the county election board. ~~whose duty it is to~~ **The county election board shall do the following:**

(1) Remove the affidavits from the bag or envelope.

(2) Mail a copy of each affidavit to the secretary of state.

(3) Replace the affidavits within the bag or envelope.

(4) Reseal the bag or envelope with the endorsement of the name of each county election board member on the back of the bag or envelope.

(5) Carefully preserve it the resealed bag or envelope and deliver it, with the county election board's seal unbroken, to the foreman of the grand jury when next in session.

(c) The grand jury shall inquire into the truth or falsity of the affidavits, and the court having jurisdiction over the grand jury shall specially charge the jury as to its duties under this section.

(d) The grand jury shall file a report of the result of its inquiry with:

(1) the court; and

(2) the NVRA official if a violation of NVRA appears to have occurred.

SECTION 63. IC 6-1.1-19-4.5, AS AMENDED BY P.L.85-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) With respect to every appeal petition that is delivered to the tax control board by the department of local government finance under section 4.1 of this chapter and that includes a request for emergency financial relief (except an appeal petition described in section 4.7 of this chapter), the tax control board shall, after having made the study of the appeal petition and related materials that the tax control board considers necessary, make an appropriate recommendation to the department of local government finance. If the appeal petition requests an excessive tax levy under subsection (c), the tax control board shall expedite the board's review as necessary to permit the referendum to be conducted without a special election. In respect of the appeal petition, the tax control board may make to the department of local government finance any of the recommendations described in section 4.4(a) of this chapter, subject to the limitations described in section 4.4(b) of this chapter.

(b) In addition, if the tax control board concludes that the appellant school corporation cannot, in the ensuing calendar year, carry out the public educational duty committed to the appellant school corporation by law if, for the ensuing calendar year, the appellant school corporation does not receive emergency financial relief, the tax control board may recommend to the department of local government finance

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that the order of the county board of tax adjustment or the county auditor in respect of the budget, tax levy, or tax rate of the appellant school corporation be approved, or disapproved and modified, as specified in the tax control board's recommendation and that the appellant school corporation receive emergency financial relief from the state, on terms to be specified by the tax control board in the board's recommendation, in the form of:

- (1) a grant or grants from any funds of the state that are available for such a purpose;
- (2) a loan or loans from any funds of the state that are available for such a purpose;
- (3) permission to the appellant school corporation to borrow funds from a source other than the state or assistance in obtaining the loan;
- (4) an advance or advances of funds that will become payable to the appellant school corporation under any law providing for the payment of state funds to school corporations;
- (5) permission to the appellant school corporation to:
 - (A) cancel any unpaid obligation of the appellant school corporation's general fund to the appellant school corporation's cumulative building fund; or
 - (B) use, for general fund purposes, any unobligated balance in the appellant school corporation's cumulative building fund and the proceeds of any levy made or to be made by the appellant school corporation for the appellant school corporation's cumulative building fund;
- (6) permission to use, for general fund purposes, any unobligated balance in any construction fund, including any unobligated proceeds of a sale of the school corporation's general obligation bonds; or
- (7) a combination of the emergency financial relief described in subdivisions (1) through (6).

(c) In addition to, or in lieu of, any recommendation that the tax control board may make under this section, the tax control board may recommend that the appellant school corporation be permitted to make a referendum tax levy for the ensuing calendar year under this subsection. The recommendation may not be put into effect until a majority of the individuals who vote in a referendum that is conducted in accordance with the following requirements approves the appellant school corporation's making a referendum tax levy for the ensuing calendar year:

- (1) Whenever:

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(A) the tax control board recommends to the department of local government finance that the appellant school corporation be permitted to make a referendum tax levy for the ensuing calendar year if a majority of the individuals voting in a referendum held in the appellant school corporation approves the appellant school corporation's making a referendum tax levy;

(B) the department of local government finance gives the board's written approval of the recommendation; and

(C) the appellant school corporation requests that the tax control board take the steps necessary to cause a referendum to be conducted;

the tax control board shall proceed in accordance with this subsection.

(2) The question to be submitted to the voters in the referendum must read as follows:

"For the __ (insert number) calendar year or years immediately following the holding of the referendum, shall the school corporation impose a property tax rate that does not exceed _____ (insert amount) cents (\$0. __) (insert amount) on each one hundred dollars (\$100) of assessed valuation and that is in addition to the school corporation's normal tax rate?".

The voters in a referendum may not approve a referendum tax levy that is imposed for more than seven (7) years. However, a referendum tax levy may be reimposed or extended under this subsection.

(3) In addition to the question prescribed in subsection (c)(2), the school corporation may, if approved by the school board, add the following language to the question:

"If the referendum tax levy is approved, the school corporation shall reduce the property tax rate of the __ (insert fund name) fund by _____ (insert amount) cents (\$0. __) on each one hundred dollars (\$100) of assessed valuation.

~~(3)~~ (4) The tax control board shall act under IC 3-10-9-3 to certify the question to be voted on at the referendum to the county election board of each county in which any part of the appellant school corporation lies. Each county clerk shall, upon receiving the question certified by the tax control board, call a meeting of the county election board to make arrangements for the referendum. The referendum shall be held in the next primary or general election in which the residents of the appellant school

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corporation are entitled to vote after certification of the question under IC 3-10-9-3. However, if the referendum would be held at a primary or general election more than six (6) months after certification by the tax control board, the referendum shall be held at a special election to be conducted not less than ~~sixty (60)~~ **ninety (90)** days after the question is certified to the circuit court clerk or clerks by the tax control board. The appellant school corporation shall advise each affected county election board of the date on which the appellant school corporation desires that the referendum be held, and, if practicable, the referendum shall be held on the day specified by the appellant school corporation. The referendum shall be held under the direction of the county election board, which shall take all steps necessary to carry out the referendum. Not less than ten (10) days before the date on which the referendum is to be held, the county election board shall cause notice of the question that is to be voted upon at the referendum to be published in accordance with IC 5-3-1. If the referendum is not conducted at a primary or general election, the appellant school corporation in which the referendum is to be held shall pay all of the costs of holding the referendum.

~~(4)~~ **(5)** Each county election board shall cause the question certified to the circuit court clerk by the tax control board to be placed on the ballot in the form prescribed by IC 3-10-9-4. The county election board shall also cause an adequate supply of ballots and voting equipment to be delivered to the precinct election board of each precinct in which the referendum is to be held.

~~(5)~~ **(6)** The individuals entitled to vote in the referendum are all of the registered voters resident in the appellant school corporation.

~~(6)~~ **(7)** Each precinct election board shall count the affirmative votes and the negative votes cast in the referendum and shall certify those two (2) totals to the county election board of each county in which the referendum is held. The circuit court clerk of each county shall, immediately after the votes cast in the referendum have been counted, certify the results of the referendum to the tax control board. Upon receiving the certification of all of the votes cast in the referendum, the tax control board shall promptly certify the result of the referendum to the department of local government finance. If a majority of the individuals who voted in the referendum voted "yes" on the referendum question, the department of local government finance,

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upon being notified in the manner described in this subsection of the result of the referendum, shall take prompt and appropriate steps to notify the appellant school corporation that the appellant school corporation is authorized to collect, for the calendar year that next follows the calendar year in which the referendum is held, a referendum tax levy not greater than the amount approved in the referendum. The referendum tax levy may be imposed for the number of calendar years approved by the voters following the referendum for the school corporation in which the referendum is held. If a majority of the individuals who voted in the referendum voted "yes" on the referendum question, the school corporation shall establish a referendum tax levy fund under IC 21-2-11.6. A school corporation's referendum tax levy may not be considered in the determination of the school corporation's state tuition support under IC 21-3-1.7 or the determination of the school corporation's maximum general fund tax levy under this chapter and IC 21-3-1.7. If a majority of the persons who voted in the referendum did not vote "yes" on the referendum question, the appellant school corporation may not make any tax levy for its general fund other than a normal tax levy, and another referendum under this subsection may not be held for a period of one (1) year after the date of the referendum.

(d) With respect to any school corporation to which a loan or advance of state funds is made under this section, or for which such a loan or an advance is recommended, for purposes other than the purpose specified in section 4.7 of this chapter, the tax control board may recommend to the department of local government finance that the school corporation be authorized, for a specified calendar year, and solely for the purpose of enabling the school corporation to repay the loan or advance, to collect an excessive tax levy. A recommendation under this subsection must specify the amount of the recommended excessive tax levy. Upon receiving the recommendation from the tax control board, and without any other proceeding, the department of local government finance may authorize the school corporation, for a specified calendar year, to make an excessive tax levy in accordance with the recommendation of the tax control board or in accordance with a modification of the recommendation that the department of local government finance determines is proper. Whenever the department of local government finance exercises the power given to the department of local government finance under this subsection, the department of local government finance shall, in the department's order to the affected school corporation, specify the amount of the authorized excessive tax



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1 levy and take appropriate steps to ensure that so much of the proceeds
2 of the excessive tax levy as should be used for loan repayment purposes
3 is not used for any other purpose. The department of local government
4 finance may not exercise the power described in this subsection to
5 authorize any school corporation to collect an excessive tax levy for
6 more than one (1) calendar year in any period of four (4) consecutive
7 calendar years.

8 SECTION 64. THE FOLLOWING ARE REPEALED[EFFECTIVE
9 JULY 1, 2003]: IC 3-6-7-2; IC 3-11-13-4.

10 SECTION 65. [EFFECTIVE JULY 1, 2003] **IC 3-8-1-2,**
11 **IC 3-8-6-12, and IC 3-8-6-14, all as amended by this act, apply to**
12 **all elections held after December 31, 2003.**

13 SECTION 66. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1430, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 1-1-3.5-3, AS AMENDED BY P.L.170-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) For purposes of the statutes described in section 5(c) of this chapter, a reference to population is a reference to population as determined by the most recent of the following:

- (1) Federal decennial census.
- (2) Federal special census.
- (3) Special tabulation.
- (4) Corrected population count.

(b) For purposes of statutes relating to drawing boundaries of county executive districts, county fiscal body districts, municipal legislative body districts, or the districts of any other political subdivision, a reference to population is a reference to population as determined by the most recent of the following:

- (1) Federal decennial census.**
- (2) Federal special census.**
- (3) Special tabulation.**
- (4) Corrected population count.**

(c) For purposes of a noncode statute, a reference to population is the population determined by the most recent federal decennial census in effect before the passage of the statute, unless the population description in the statute is changed by subsequent legislation.

~~(c)~~ **(d)** For purposes of statutes not described in subsection (a), ~~or~~ (b), **or (c)**, a reference to population is the population determined by the most recent federal decennial census in effect, unless the statute specifically provides otherwise.

~~(d)~~ **(e)** This subsection applies to a political subdivision located in more than one (1) county. If a political subdivision is described in a statute by reference to the county in which the political subdivision is located, the reference is to the county that contains a majority of the population of the political subdivision.

~~(e)~~ **(f)** The effective date of each:

- (1) federal decennial census;
- (2) federal special census;
- (3) special tabulation; or

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(4) corrected population count;
is April 1 of the calendar year following the year in which the tabulation of population or corrected population count is delivered to the state by the United States Secretary of Commerce under 13 U.S.C. 141 and received by the governor.

⊕ (g) Promptly upon receiving the tabulation of population or corrected population count, the governor shall issue an executive order:

- (1) evidencing the date of receipt; and
- (2) noting that the effective date of the tabulation of population or corrected population count for purposes of any statute described in this section is April 1 of the following year."

Page 1, line 17, after "(a)" insert "**This section applies after December 31, 2003.**

(b)".

Page 2, line 4, delete "(b)" and insert "(c)".

Page 2, delete lines 7 through 19.

Page 5, between lines 38 and 39, begin a new paragraph and insert:
"SECTION 11. IC 3-8-1-2, AS AMENDED BY P.L.176-1999, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The commission, a county election board, or a town election board shall act if a candidate (or a person acting on behalf of a candidate in accordance with state law) has filed any of the following:

- (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.
- (2) A request for ballot placement in a presidential primary under IC 3-8-3.
- (3) A petition of nomination or candidate's consent to nomination under IC 3-8-6.
- (4) A certificate of nomination under IC 3-8-5, IC 3-8-7, IC 3-10-2-15, or IC 3-10-6-12.
- (5) A certificate of candidate selection under IC 3-13-1 or IC 3-13-2.
- (6) A declaration of intent to be a write-in candidate under IC 3-8-2-2.5.

(7) A contest to the denial of certification under IC 3-8-6-12.

(b) The commission has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the election division. Except for a filing under the jurisdiction of a town election board, a county election board has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the county election board, county voter registration office, or the circuit court clerk. A town election board has jurisdiction to act



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under this section with regard to any filing that was made with the county election board, the county voter registration office, or the circuit court clerk for nomination or election to a town office.

(c) **Except as provided in subsection (e)**, before the commission or election board acts under this section, a registered voter of the election district that a candidate seeks to represent must file a sworn statement with the election division or election board:

- (1) questioning the eligibility of a candidate to seek the office; and
- (2) setting forth the facts known to the voter concerning this question.

(d) The eligibility of a write-in candidate or a candidate nominated by a convention, petition, or primary may not be challenged under this section if the commission or board determines that all of the following occurred:

- (1) The eligibility of the candidate was challenged under this section before the candidate was nominated.
- (2) The commission or board conducted a hearing on the affidavit before the nomination.
- (3) This challenge would be based on substantially the same grounds as the previous challenge to the candidate.

(e) **Before the commission or election board can consider a contest to the denial of a certification under IC 3-8-6-12, a candidate (or a person acting on behalf of a candidate in accordance with state law) must file a sworn statement with the election division or election board:**

- (1) stating specifically the basis for the contest; and
- (2) setting forth the facts known to the candidate supporting the basis for the contest.

(f) Upon the filing of a sworn statement under subsection (c) or (e), the commission or election board shall determine the validity of the questioned:

- (1) declaration of candidacy;
- (2) declaration of intent to be a write-in candidate;
- (3) request for ballot placement under IC 3-8-3;
- (4) petition of nomination;
- (5) certificate of nomination; ~~or~~
- (6) certificate of candidate selection issued under IC 3-13-1-15 or IC 3-13-2-8; **or**
- (7) **denial of a certification under IC 36-8-6-12.**

(f) (g) The commission or election board shall deny a filing if the commission or election board determines that the candidate has not

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complied with the applicable requirements for the candidate set forth in the Constitution of the United States, the Constitution of the State of Indiana, or this title."

Page 6, line 6, delete "be affiliated with" and insert "**comply with any candidate requirement set by state party rules.**".

Page 6, delete lines 7 through 9.

Page 8, between lines 24 and 25, begin a new paragraph and insert:
 "SECTION 14. IC 3-8-6-12, AS AMENDED BY P.L.26-2000, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, **except as provided in subsection (d)**, certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The petition of nomination must be accompanied by the following:

- (1) The candidate's written consent to become a candidate.
- (2) A statement that the candidate:
 - (A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
 - (B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

- (3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

- (4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

- (A) The candidate receives more than five hundred dollars (\$500) in contributions.
 - (B) The candidate makes more than five hundred dollars (\$500) in expenditures.
- (5) A statement indicating whether or not each candidate:
 - (A) has been a candidate for state or local office in a previous primary or general election; and
 - (B) has filed all reports required by IC 3-9-5-10 for all

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previous candidacies.

(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

(c) The statement required under subsection (b)(7) must:

(1) be certified by each circuit court clerk; and

(2) indicate the number of votes cast for secretary of state:

(A) at the last election for secretary of state; and

(B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The person with whom the petition of nomination must be filed under subsection (a) shall:

(1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and

(2) do one (1) of the following:

(A) If the petition includes a sufficient number of signatures, certify the petition.

(B) If the petition has an insufficient number of signatures, deny the certification.

(e) The secretary of state shall, by noon August 20:

(1) certify; or

(2) deny certification under subsection (d) to;

each petition of nomination filed in the secretary of state's office to the appropriate county.

(f) The commission shall provide that the form of a petition of nomination includes the following information near the separate signature required by subsection (b)(2):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name

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on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.

(i) A candidate may contest the denial of certification under subsection (d) based on:

(1) the circuit court clerk's or board of registration's failure to certify, under section 8 of this chapter, qualified petitioners; or

(2) the determination described in subsection (d)(1); using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination."

Page 8, line 36, after "state" insert **"or contesting the denial of certification under section 12(d) of this chapter"**.

Page 8, line 38, after "nomination" insert **"or contesting the denial of certification under section 12(d) of this chapter"**.

Page 8, line 38, after "IC 3-8-1-2(c)" insert **"or IC 3-8-1-2(e)"**.

Page 8, line 42, after "clerk" insert **"or contesting the denial of certification under section 12(d) of this chapter"**.

Page 9, line 2, after "nomination" insert **"or contesting the denial of certification under section 12(d) of this chapter"**.

Page 9, line 3, after "IC 3-8-1-2(c)" insert **"or IC 3-8-1-2(e)"**.

Page 9, line 9, after "nomination" insert **"or the denial of certification under section 12(d) of this chapter"**.

Page 9, line 34, strike "(a)".

Page 9, line 39, strike "(b) The election division shall, not later than noon".

Page 9, delete line 40.

Page 9, strike lines 41 through 42.

Page 9, after line 42, begin a new paragraph and insert:

"SECTION 18. IC 3-8-7-14, AS AMENDED BY P.L.260-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) This section does not apply to the certification of nominees under IC 3-10-4-5.

(b) A certificate of nomination required to be filed with the election division or circuit court clerk shall be filed not later than noon July 15

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before the date fixed for the election of the person nominated."

Page 10, line 2, after "(a)" insert **"This section does not apply to the certification of nominees under IC 3-10-4-5.**

(b)".

Page 10, line 4, reset in roman "August 20".

Page 10, line 4, delete "seventy-four (74) days before the date of".

Page 10, line 5, delete "the general election".

Page 10, line 5, strike "(or noon sixty (60) days before the general".

Page 10, strike line 6.

Page 10, reset in roman line 7.

Page 10, line 24, strike "(b)" and insert **"(c)".**

Page 17, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 27. IC 3-10-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. The primary election paper ballots and ballot cards of each political party must be of uniform size and of the same quality paper as the paper ballots and ballot cards used at the general election. The paper ballots and ballot cards must be **distinctively marked or be of a different color for so that the ballots of each party holding a primary election are easily distinguishable.** All the candidates representing one (1) party shall be placed on one (1) ticket with the name of the party placed at the top in the form prescribed by section 19 of this chapter."

Page 19, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 31. IC 3-10-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) This subsection applies to a major political party and to a political party subject to IC 3-8-4-10. The state chairman of each political party shall certify to the election division the names of the nominees of the party for President and Vice President of the United States and the state of which each nominee is a resident.

(b) If candidates for presidential electors are nominated by petitioners instead of by a convention of a major political party or a party subject to IC 3-8-4-10, the petitioners shall certify with the list of names of electors:

- (1) the names of their nominees for President and Vice President of the United States;
- (2) the state of which each nominee is a resident; and
- (3) the name of the political party of the nominees, or that the nominees are an independent ticket.

(c) This subsection applies to a political party described in subsection (a) and to candidates nominated by petitioners under subsection (b). The names of:

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- (1) all candidates for presidential electors; and
- (2) all nominees for President and Vice President of the United States;

shall be certified ~~by to the election division not later than noon on the second Tuesday in September~~ before the general election. **The election division shall certify to each county election board not later than noon on the second Thursday in September before the general election the names of the nominees for President and Vice President of the United States certified to the election division under this subsection.**

(d) The names of all candidates for presidential electors for a write-in candidate shall be included on the declaration for candidacy filed by a write-in candidate for the office of President or Vice President of the United States filed under IC 3-8-2."

Page 19, between lines 27 and 28, begin a new paragraph and insert:
"SECTION 33. IC 3-11-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. Each county election board shall have the:

- (1) names of all candidates for United States Representative, legislative offices, and local offices; and
- (2) local public questions;

in election districts within the county printed on ~~ballots~~ **a ballot** as provided in this chapter. **The county may print all offices on a single ballot under this section.**

SECTION 34. IC 3-11-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) ~~Except as provided in subsection (c); the election division and county election boards shall use the following colors for paper ballots:~~

(1) For President and Vice President of the United States; ~~cherry red paper:~~

(2) For United States Senator, state offices, and public questions; ~~if the public question:~~

(A) is voted on by the entire electorate of Indiana; or

(B) concerns the retention of a justice of the Indiana supreme court or a judge of the Indiana court of appeals;

~~pink paper:~~

(3) For municipal offices; blue paper:

(4) For township offices; yellow paper:

(5) For United States Representative; county offices; school board offices; and all other offices; white paper:

(6) For local public questions; green paper:

(b) The chairman or committee responsible for supplying pasters

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under IC 3-11-3-29 shall supply pasters of the same color as the ballot on which the paster will be placed.

(c) ~~A county election board, by unanimous vote of its entire membership, may print ballots for township offices in any color if the ballot for township offices in each township within the county is not the same color as any:~~

- ~~(1) other township ballot within the county; or~~
- ~~(2) ballot for other offices or public questions listed in subsection (a):".~~

Page 19, between lines 35 and 36, begin a new paragraph and insert:
 "SECTION 36. IC 3-11-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, the absentee ballots that are prepared and printed under the direction of the election division shall be delivered to the circuit court clerk or the clerk's authorized deputy not less than forty-five (45) days before a general election or twenty-nine (29) days before a special election. The absentee ballots shall be delivered in the same manner that other official ballots are delivered.

(b) This subsection applies to the printing of absentee ballots for a general election in which the names of nominees for President and Vice President of the United States are to be printed on the ballot. The absentee ballots that are prepared and printed under the direction of the election division shall be delivered to the circuit court clerk not later than thirty-eight (38) days before the general election.

(c) An absentee ballot described by section 12(d) of this chapter shall be delivered by the election division to the circuit court clerk or the clerk's authorized deputy not later than the first Monday in June before a general election.

SECTION 37. IC 3-11-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. All absentee ballots other than those specified in section 12 of this chapter shall be prepared and printed under the direction of each county election board. After completing the estimate required by section 10 of this chapter **and receiving all certifications from the election division required under IC 3-8 or IC 3-10**, the county election board shall immediately proceed to prepare and have printed the ballots. Ballots prepared by the county election board under this section must provide space for the voter to cast a write-in ballot.

SECTION 38. IC 3-11-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. **(a) Except as**

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provided in subsection (b), the absentee ballots that are prepared and printed under the direction of a county election board shall be delivered to the circuit court clerk **(or the board acting under IC 3-6-5.2)** at least:

- (1) forty-five (45) days before a general, primary, or municipal election;
- (2) thirty-two (32) days before a special election.

(b) This subsection applies to the printing of absentee ballots for a general election in which the names of nominees for President and Vice President of the United States are to be printed on the ballot. The absentee ballots that are prepared and printed under the direction of a county election board shall be delivered to the circuit court clerk (or the board acting under IC 3-6-5.2) not later than thirty-eight (38) days before the general election."

Page 20, delete lines 17 through 23.

Page 22, line 21, delete "recount" and insert "contest".

Page 23, between lines 13 and 14, begin a new paragraph and insert: "SECTION 48. IC 3-13-1-20, AS AMENDED BY P.L.260-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. (a) This section applies to a political party subject to IC 3-8-4-10.

(b) A candidate vacancy that exists following the convention of the party shall be filled by the state committee of the political party not later than noon June 30 before election day. **The chairman of the state committee shall file a notice of intent to fill the candidate vacancy with the official who is required to receive a certificate of candidate selection under section 15 of this chapter. The notice must be filed not later than ten (10) days before the chairman fills the candidate vacancy.** The chairman of the state committee shall act in accordance with section 15 of this chapter to certify the candidate selected to fill the vacancy.

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the general election ballot resulting from the failure of the convention to nominate a candidate for an office. The certificate required by subsection (b) shall be filed not later than noon July 3 before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (b) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates."

Page 24, between lines 10 and 11, begin a new paragraph and insert: "SECTION 51. IC 3-14-3-16 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) As used in this section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual.

(b) A person who knowingly does any electioneering:

(1) on election day within:

(A) the polls; or

(B) fifty (50) feet of the entrance to the polls; or

(2) within an area in the office of the circuit court clerk used by an absentee voter board to permit an individual to cast an absentee ballot;

commits a ~~Class D felony~~. **Class A misdemeanor.**

SECTION 52. IC 3-14-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. An election officer who knowingly:

(1) discloses to a person the name of a candidate for whom a voter has voted or how a voter voted on a public question; or

(2) does any electioneering on election day;

commits a ~~Class D felony~~. **Class A misdemeanor."**

Page 28, delete lines 31 through 32, begin a new paragraph and insert:

"SECTION 54. IC 3-11-13-4 IS REPEALED [EFFECTIVE JULY 1, 2003].

SECTION 55. [EFFECTIVE JULY 1, 2003] **IC 3-8-1-2, IC 3-8-6-12, and IC 3-8-6-14, all as amended by this act, apply to all elections held after December 31, 2003."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1430 as introduced.)

MAHERN, Chair

Committee Vote: yeas 14, nays 0.



COMMITTEE REPORT

Mr. President: The Senate Committee on Elections and Civic Affairs, to which was referred House Bill No. 1430, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 11 and 12, begin a new paragraph and insert: "SECTION 5. IC 3-6-7-5, AS ADDED BY P.L.38-1999, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) A pollbook holder **or a challenger** appointed under this chapter is entitled to do the following:

(1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until the polls close.

(2) Enter, leave, and reenter the polls at any time on election day.

(b) A pollbook holder **or a challenger** is subject to the orders of the board while in the polls.

(c) If demanded by a member of the precinct election board, a pollbook holder **or a challenger** shall produce the identification card issued under section 1(d) of this chapter."

Page 8, line 11, delete "36-8-6-12" and insert "**3-8-6-12**".

Page 28, between lines 14 and 15, begin a new paragraph and insert: "SECTION 41. IC 3-11-8-16, AS AMENDED BY P.L.38-1999, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. ~~Challengers appointed under IC 3-6-7 are entitled to stand at the sides of the chute next to the entrance to the polls; as provided in IC 3-6-7-2. No other~~ A person may **not** remain within fifty (50) feet of the entrance to the polls except for the purpose of offering to vote."

Page 32, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 52. IC 3-14-1-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. (a) **As used in this section, "officeholder" refers to a person who holds an elected office.**

(b) **Except as provided in subsection (c), a person who knowingly or intentionally authorizes, finances, sponsors, or participates in the preparation, distribution, or broadcast of paid political advertising or campaign material that falsely represents that a candidate in any election is or has been an officeholder commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.**

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(c) Subsection (b) does not apply to a person whose sole act is, in the normal course of business, participating in the preparation, the printing, distribution, or broadcast of the advertising or material containing the false representation."

Page 37, line 24, delete "IC 3-11-13-4 IS" and insert "THE FOLLOWING ARE".

Page 37, line 25, delete "." and insert ": IC 3-6-7-2; IC 3-11-13-4."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1430 as printed February 25, 2003.)

LAWSON C, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Engrossed House Bill 1430 be amended to read as follows:

Page 3, between lines 39 and 40, begin a new paragraph and insert the following:

"SECTION 7. IC 3-7-26-2, AS AMENDED BY P.L.199-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The election division shall develop and maintain a statewide voter registration file.

(b) Subject to section 20 of this chapter, not later than July 1, 2004, the election division shall maintain the statewide voter registration file so that the file is accessible by the election division and county voter registration offices through a secure connection over the Internet.

(c) The statewide voter registration file must contain at least the following information for each voter:

- (1) The voter's voting history for at least the previous ten (10) years, if available, including the political party ballot requested by the voter at any primary election during the period.**
- (2) The source of the voter's registration application.**
- (3) A listing of all previous jurisdictions in which the voter was registered to vote.**
- (4) Information concerning the documentation submitted by the voter to comply with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545).**
- (5) An electronic mail address if supplied by the voter.**
- (6) Documentation of all changes to the registration made by the voter.**
- (7) Documentation concerning all notices sent to the voter by the county voter registration office.**

(d) The statewide voter registration file must include at least the following:

- (1) Absentee ballot management features that:**
 - (A) manage absentee ballots based on the type, eligibility, and status of the absentee voter;**
 - (B) permit the printing of absentee labels by group, date, or by individual for use by a voter voting in person at the county election board office;**
 - (C) permit the documentation of the date that each absentee ballot is issued and returned;**
 - (D) permit the printing of absentee ballot applications with voter registration information for the absentee ballot**



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- applicant;
 (E) use bar code technology; and
 (F) interface with a ballot on demand system.
- (2) Full document imaging features, including:
 (A) electronic file folders that store multiple documents for each voter;
 (B) a single scan that captures both a document and signature;
 (C) back up of critical documents on optical media for archival purposes;
 (D) the annotation of document images;
 (E) backfile image conversion; and
 (F) storage of multi-media files, such as photographs and audio messages.
- (3) Election and poll worker management features that:
 (A) include petition verification, audit, and management functions, such as:
 (i) calculations of the minimum number of valid signatures by registered voters for a petition of nomination in an election district;
 (ii) reports listing the valid and invalid signatures on each petition of nomination; and
 (iii) reports listing daily counts of valid and invalid signatures on petitions of nomination;
 (B) track contact information for individuals who have submitted petitions for processing by the county voter registration office;
 (C) verify petition signatures against voter registration signatures by displaying digitized signatures for comparison;
 (D) track service and performance records for past, current, and potential poll workers and contain contact information for those poll workers;
 (E) report poll worker vacancies to permit vacancies to be filled before election day;
 (F) include print-on-demand services;
 (G) track poll worker pay, including mileage, and whether poll workers served for only part of an election day; and
 (H) permit a circuit court clerk to transmit reports or statements to the election division under IC 3-6-5, IC 3-7, or IC 3-12-5.
- (4) Security features, including:

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- (A) daily backup following business hours; and
- (B) off-site data housing and disaster contingency plans.
- (5) Signature digitizing features that:
 - (A) permit signatures to be cropped and stored from voter registration and other forms;
 - (B) permit signatures to be viewed within absentee, petition, or voter registration modules within the system; and
 - (C) generate audit trail reports concerning transfer logs, work file reports, missing voter signatures, and signatures without voters.
- (6) Street file management features that:
 - (A) include an integral street file with automatic assignment to election districts and jurisdictions based on residence address location;
 - (B) permit changing street names throughout a county or for specific areas within a county;
 - (C) include tools to identify and correct errors in the geographic assignment of jurisdictions;
 - (D) permit interfacing with geographic information systems;
 - (E) permit comprehensive changes to reflect changes in legislative district or precinct boundary lines;
 - (F) permit the accommodation of multiple place names within a ZIP code; and
 - (G) permit the tracking and management of data concerning polling place locations.
- (7) Voter registration management features that:
 - (A) automatically assign voter identification numbers in accordance with this title;
 - (B) calculate the number of registered voters by precinct or any election district;
 - (C) permit expedited web based inquiries concerning polling place locations;
 - (D) track and report all NVRA and voter list maintenance transactions performed within the system;
 - (E) permit tracking regarding the political party ballot requested by voters voting in a primary;
 - (F) generate a variety of reports in paper, compact disc, or floppy disc format, such as walking lists, call lists, lists of voters by precinct, lists of voters by name, date of birth or date of registration, and lists of voters by other household

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data;

(G) identify voters who are currently less than eighteen (18) years of age;

(H) permit electronic processing of voter registration information received as files from other state and federal agencies;

(I) provide flexible query functions for management and statistical reports;

(J) support sophisticated mailing equipment for reduced postage costs; and

(K) contain full audit controls and management reports to track and manage the work of county voter registration office employees.

(8) A help desk support feature, staffed by individuals who can provide assistance to county voter registration offices regarding the proper operation of the system.

(9) Other features as determined by the election division.

(e) This subsection applies to a county with a county voter registration office described in IC 3-5-2-16.2(1) or IC 3-5-2-16.2(2). The statewide voter registration file must permit a county election board to view data concerning voters of the county to:

(1) administer absentee balloting; or

(2) determine whether an individual who wishes to file as a candidate is a voter of the county."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1430 as printed April 2, 2003).

LAWSON C

SENATE MOTION

Mr. President: I move that Engrossed House Bill 1430 be amended to read as follows:

Page 3, between lines 1 and 2, begin a new paragraph and insert the following:

"SECTION 4. IC 3-6-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]

Chapter 4.5. Administrative Complaints Concerning Requirements Under Title III of the Help America Vote Act of 2002

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Sec. 1. This chapter is effective January 1, 2004.

Sec. 2. As used in this chapter, "Title III" refers to Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 through 15485).

Sec. 3. As required by 42 U.S.C. 15512, this chapter establishes the state based administrative complaint procedures to remedy grievances concerning uniform and nondiscriminatory election technology and administrative requirements under Title III.

Sec. 4. The commission shall make the final determination and issue a report regarding the complaint not later than ninety (90) days after the complaint is filed.

Sec. 5. If the commission fails to make the final determination regarding the complaint before the deadline specified by section 4 of this chapter, the complaint described in section 3 of this chapter shall be resolved by the secretary of state.

Sec. 6. As provided by 42 U.S.C. 15512, the record and other materials from any proceedings conducted by the commission shall be made available for use by the secretary of state.

Sec. 7. The secretary of state may file a civil action seeking declaratory or injunctive relief as part of the resolution of the complaint under this chapter. The action may be filed before or after the filing of the report required by section 8 of this chapter.

Sec. 8. The secretary of state shall file a report with the election division setting forth the resolution of the complaint. The report must specify the following:

- (1) Whether a violation of Title III has occurred or was about to occur when the complaint was filed.**
- (2) The appropriate remedy to correct any violation.**
- (3) Whether providing the remedy would require additional or amended Indiana legislation or a civil action for declaratory or injunctive relief.**
- (4) Any other information or recommendations necessary to fully provide any appropriate relief under this chapter."**

Page 28, between lines 4 and 5, begin a new paragraph and insert:
"SECTION 41. IC 3-11-6.5-3, AS ADDED BY P.L.239-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. To receive reimbursement under this chapter, a county must make an application to the ~~budget agency~~ not later than January 1, 2003, ~~secretary of state~~ in the form required by the ~~budget agency~~. ~~secretary of state~~. The secretary of state shall review the application and make a recommendation to the budget committee regarding the application.



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SECTION 42. IC 3-11-6.5-4, AS ADDED BY P.L.239-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The budget agency, after review by the budget committee, shall approve a county's application for reimbursement under this chapter if the county's application demonstrates to the budget agency either of the following:

(1) That the county will:

- (A) purchase;
- (B) lease-purchase; or
- (C) lease;

a new voting system or an upgrade or expansion of an existing voting system from a vendor that has a quantity purchase agreement awarded under section 1 of this chapter.

(2) The county purchased a new voting system or an upgrade or expansion of the county's existing voting system after ~~January 1, 1998~~, **November 5, 1996**, and before ~~July 1, 2001~~, **January 1, 2001**, **that would not qualify for reimbursement from federal funds received under the federal Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545)**, and the new voting system or upgrade or expansion of the county's existing voting system enhanced all of the following:

- (A) Reliability of the county's voting system.
- (B) Efficiency of the county's voting system.
- (C) Ease of use of the county's voting system by voters.
- (D) Public confidence in the county's voting system.

SECTION 43. IC 3-11-6.5-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4.5. (a) Payment of money from the voting system improvement fund is subject to:**

- (1) the availability of money in the fund;**
- (2) the requirements of this chapter; and**
- (3) the provisions of the federal Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545) (HAVA), including the reduction of the multiplier set forth in Section 102 of HAVA for the reimbursement of counties with precincts that used lever machines or punch card voting systems at the November 7, 2000, general election.**

(b) The secretary of state may provide a combination of reimbursements and voting system distributions to a county under this chapter."

Page 33, between lines 39 and 40, begin a new paragraph and insert:
"SECTION 60. IC 3-14-5-1 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) This section applies during an election whenever a voter makes an affidavit before the inspector in a precinct that a person who has voted is an illegal voter in the precinct.

(b) Immediately after the close of the polls the inspector shall deliver the affidavit to the **county election board for delivery by the prosecuting attorney for the county** ~~who~~ **to the grand jury under section 2 of this chapter. The prosecuting attorney for the county** shall:

- (1) proceed as if the affidavit had been made before the prosecuting attorney; and
- (2) ~~notify~~ **ensure that the grand jury notifies** the NVRA official **under section 2 of this chapter** if a violation of NVRA appears to have occurred.

SECTION 61. IC 3-14-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) Each precinct election board shall, at the close of the polls, place all affidavits prescribed by this title for use on election day to determine the eligibility of a precinct election officer (or a person who wishes to cast a ballot) in a strong paper bag or envelope and securely seal it. Each member shall endorse that member's name on the back of the bag or envelope.

(b) The inspector and judge of the opposite political party shall deliver the **sealed** bag or envelope to the county election board. ~~whose duty it is to~~ **The county election board shall do the following:**

- (1) **Remove the affidavits from the bag or envelope.**
- (2) **Mail a copy of each affidavit to the secretary of state.**
- (3) **Replace the affidavits within the bag or envelope.**
- (4) **Reseal the bag or envelope with the endorsement of the name of each county election board member on the back of the bag or envelope.**
- (5) Carefully preserve ~~it~~ **the resealed bag or envelope** and deliver it, with the **county election board's** seal unbroken, to the foreman of the grand jury when next in session.

(c) The grand jury shall inquire into the truth or falsity of the affidavits, and the court having jurisdiction over the grand jury shall specially charge the jury as to its duties under this section.

- (d) The grand jury shall file a report of the result of its inquiry with:
- (1) the court; and
 - (2) the NVRA official if a violation of NVRA appears to have occurred."

Page 38, after line 22, begin a new paragraph and insert:



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"SECTION 65. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1430 as printed April 2, 2003.)

LAWSON C

SENATE MOTION

Mr. President: I move that Engrossed House Bill 1430 be amended to read as follows:

Replace the effective date in SECTION 56 with "[EFFECTIVE UPON PASSAGE]".

Page 36, between lines 4 and 5, begin a new line block indented and insert:

"(3) In addition to the question prescribed in subsection (c)(2), the school corporation may, if approved by the school board, add the following language to the question:

"If the referendum tax levy is approved, the school corporation shall reduce the property tax rate of the ____ (insert fund name) fund by _____ (insert amount) cents (\$0.____) on each one hundred dollars (\$100) of assessed valuation."

Page 36, line 5, strike "(3)" and insert **"(4)"**.

Page 36, line 33, strike "(4)" and insert **"(5)"**.

Page 36, line 39, strike "(5)" and insert **"(6)"**.

Page 36, line 41, strike "(6)" and insert **"(7)"**.

Page 38, after line 22, begin a new paragraph and insert:

"SECTION 59. An emergency is declared for this act."

(Reference is to EHB 1430 as printed April 2, 2003.)

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